

Hearing Date: August 9, 2017 at 9:30 a.m. (prevailing Eastern Time)

Objection Deadline: July 28, 2017 at 4:00 p.m. (prevailing Eastern Time)

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

(Jointly Administered)

Debtors.¹

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**MOTION TO RESCHEDULE OMNIBUS
HEARING SCHEDULED FOR SEPTEMBER 26, 2017**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Sales Tax Financing Corporation (“COFINA”), the Puerto Rico Highways and Transportation Authority (“HTA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth, COFINA, and HTA, the “Debtors”), as Title III debtors, by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submit this motion (the “Motion”), pursuant to sections 102(1) and 105 of title 11 of the United

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA has been codified in 48 U.S.C. §§ 2101-2241.

States Code (the “Bankruptcy Code”), made applicable to these cases by PROMESA section 301(a), Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), made applicable to these cases by PROMESA section 310, and Rule 1 of the Local Civil Rules for the United States District Court for the District of Puerto Rico (the “Local District Court Rules”), for entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), amending section III.A of the *First Amended Case Management Procedures* (the “Case Management Procedures”) [D.I. 262-1], to reschedule the omnibus hearing originally scheduled for 9:30 a.m. on September 26, 2017.

Jurisdiction and Venue

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a).
2. Venue is proper pursuant to PROMESA section 307(a).
3. The statutory predicates for the relief sought herein are (i) Bankruptcy Code sections 102(1) and 105(a), made applicable to these title III cases by PROMESA section 301(a), (ii) Bankruptcy Rules 2002(m) and 9007, made applicable to these title III cases by PROMESA section 310, and (iii) Local District Court Rule 1.

Background

4. On June 6, 2017, the Court entered an order establishing, among others, September 26, 2017, as an omnibus hearing date for these Title III cases [D.I. 262].
5. It has been brought to the Debtors’ attention that the September 26, 2017 date presents scheduling conflicts for a number of interested parties. Based on emails exchanged among all the parties attempting to resolve the Commonwealth-COFINA protocol with Judge Houser, it appears no creditors object to moving the hearing. The Debtors propose any of the

following times and dates in place of September 26, 2017, subject to the Court's availability and approval:

- a. 9:30 a.m. on September 18-19, 2017;
- b. 9:30 a.m. on October 2-3, 2017; or
- c. 9:30 a.m. on October 4-5, 2017.

6. In the alternative, the Debtors' propose that the September 26, 2017 meeting be held in New York City at the originally scheduled time and date. This works for the parties having the conflict.

Relief Requested

7. By this Motion, the Debtors seek entry of an order, substantially in the form of the Proposed Order, amending the Case Management Procedures to change the time and date of the third omnibus hearing from 9:30 a.m. on September 26, 2017 to a date and time among those set forth in paragraph 5, as approved by the Court, or, to change the location of the hearing as set forth in paragraph 6, above.

Notice

8. The Debtors have provided notice of this Motion to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against each Debtor; (d) the Office of the United States Attorney for the District of Puerto Rico; (e) counsel to the Fiscal Agency and Financial Advisory Authority; (f) the Puerto Rico Department of Justice; (g) the Other Interested

Parties;³ and (h) all parties filing a notice of appearance in these Title III cases. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE the Debtors respectfully request this Court to amend and modify the Case Management Procedures in accordance with the relief requested herein.

Respectfully submitted,

Dated: July 19, 2017
San Juan, Puerto Rico

/s/ Martin J. Bienenstock

Martin J. Bienenstock
Paul V. Possinger
Ehud Barak
Maja Zerjal
(Admission Pro Hac Vice)
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900

Attorneys for the Financial Oversight and Management Board as representative for the Debtors

/s/ Hermann D. Bauer

Hermann D. Bauer
USDC No. 215205
O'NEILL & BORGES LLC
250 Muñoz Rivera Ave., Suite 800
San Juan, PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944

Co-Attorneys for the Financial Oversight and Management Board as representative for the Debtors

³ The “Other Interested Parties” include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO

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In re: PROMESA
THE FINANCIAL OVERSIGHT AND Title III
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of No. 17 BK 3283-LTS
THE COMMONWEALTH OF PUERTO RICO, *et al.*, (Jointly Administered)
Debtors.¹-----X-----

**ORDER AMENDING CASE MANAGEMENT ORDER TO CHANGE HEARING DATE
OR PLACE**

The Case Management Procedures applicable in these jointly administered Title III proceedings are hereby amended as follows:

Section III.A of the *First Amended Case Management Procedures* (the “Case Management Procedures”) [D.I. 262-1] is amended to change the time and date of the third omnibus hearing from 9:30 a.m. on September 26, 2017 in San Juan to: [9:30 a.m. on _____, 2017 in San Juan] [9:30 a.m. on September 26, 2017 in New York].

SO ORDERED

Dated: _____, 2017
San Juan, Puerto Rico

Honorable Laura Taylor Swain
United States District Judge

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).